S.B. Criminal Misc. Bail Application No.5044/2006

S.B. Criminal Misc. Bail Application No.50452006

Date : 10.11.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. G.M. Khan for the applicant.

Mr. V.R. Mehta, Public Prosecutor.

Both these matter under Section 439 Cr.P.C. have been filed against one and same accused applicant, therefore, they are being disposed of by this common order.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned for the applicant is that contraband material 'Smack' alleged to have been recovered from the applicant in both the cases is below small quantity. He submits that no previous conviction has been recorded against the applicant. In last, he prays that the applicant may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicant Abdul Hakim alias Bhuria S/o Ayub Khan shall be released on bail in FIRs No.326/2006 & 328/2006 P.S. City Kotwali, Bhilwara, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

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